

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNR MNSD OPR FF

Introduction

This matter dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. The landlord also seeks to recover the filing fee for the cost of this application.

The landlord appeared at the hearing but there was no appearance by the tenant. The landlord gave evidence that the notice of hearing and the application for dispute resolution was served in person to both tenants on November 18, 2008. I am satisfied that both tenants have been properly served as required.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order, and if so in what amount?

Background and Evidence

The evidence of the landlord at the hearing is as follows:

- the tenancy commenced on September 1, 2008
- the monthly rent payable is \$875.00
- a security deposit of \$432.50 was paid at the start of the tenancy
- the landlord served a 10 Day Notice to End tenancy for unpaid rent on September 12, 2008

- the landlord served a One Month Notice to End Tenancy for Cause on October 22, 2008
- the landlord served a 10 Day Notice to End Tenancy for unpaid rent on November 5, 2008
- the landlord seeks unpaid rent and late fees in the amount of \$620.00 and an immediate order of possession

Analysis

The evidence presented by the landlord at the hearing is undisputed. I find that the landlord has established a valid claim for unpaid rent and late fees in the amount of \$620.00. I also find that the landlord is entitled to recover the filing fee of \$50.00.

The landlord has issued the tenant three separate notices over the course of three months. There is no evidence before me on behalf of the tenant that they have filed an application to dispute any of the notices, and as such they are deemed to have accepted that the tenancy will end on the effective date of the notice, and are required to vacate by that date. The tenants still occupy the rental unit, and I find that the landlord is entitled to an immediate order of possession.

Conclusion

I order that the landlord may retain the security deposit plus interest in the amount of \$434.20 and I grant the landlord a monetary order for the balance of \$235.80. The order may be filed with and enforced as an order of the Provincial Court of British Columbia.

I grant the landlord an immediate order of possession. The order must be served upon the tenants and may be filed with and enforced as an order of the Supreme Court of British Columbia.

Dated: December 5, 2008